

## SENATE BILL No. 283

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-8-10-23.

**Synopsis:** Sheriff's pension minimum COLA. Provides for an annual minimum 1% cost of living adjustment (COLA) for benefits paid to an employee beneficiary or a surviving spouse of a sheriff's pension trust.

**Effective:** July 1, 2010.

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### Charbonneau

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January 11, 2010, read first time and referred to Committee on Pensions and Labor.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

## SENATE BILL No. 283

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A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 36-8-10-23, AS AMENDED BY P.L.42-2008,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2010]: Sec. 23. (a) This section applies to a county that adopts  
4 the provisions of this section by an ordinance of the county fiscal body.  
5 (b) The county fiscal body may provide for:  
6 (1) an annual cost of living payment to employee beneficiaries  
7 who are retired or have a disability, or both; or  
8 (2) an ad hoc cost of living payment to employee beneficiaries  
9 who are retired or have a disability, or both. The amount of the ad  
10 hoc cost of living payment under this subdivision is not an  
11 increase in the base pension benefit calculated under section 12  
12 or 12.1 of this chapter.  
13 (c) In addition to, or instead of, a modification of a surviving  
14 spouse's monthly pension under section 16 of this chapter, the county  
15 fiscal body may provide for:  
16 (1) an annual cost of living payment to a surviving spouse; or  
17 (2) an ad hoc cost of living payment to a surviving spouse.



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(d) In the case of an annual cost of living payment granted under subsection (b)(1) or (c)(1), the amount of the cost of living payment shall be determined each year by the pension engineers under this subsection; **however, notwithstanding any determination made under this subsection, the minimum cost of living adjustment percentage each year must be at least one percent (1%).** The pension engineers shall determine if there has been an increase in the Consumer Price Index (United States city average) prepared by the United States Department of Labor by comparing the arithmetic mean of the Consumer Price Index for January, February, and March of the payment year with the same three (3) month period of the preceding year. If there has been an increase, the increase shall be stated as a percentage of the arithmetic mean for the three (3) month period for the year preceding the payment year (the adjustment percentage). The adjustment percentage:

(1) shall be rounded to the nearest one-tenth of one percent (0.1%);

**(2) notwithstanding any determination made under this subsection, must be at least one percent (1%); and**

(3) may not exceed three percent (3%).

(e) In the case of a cost of living payment granted under subsection (b)(2) or (c)(2), the amount of the cost of living payment shall be determined by the county fiscal body and may be:

(1) a percentage increase ~~not to exceed the percentage~~ determined under subsection (d); or

(2) a fixed dollar amount.

(f) A payment authorized under this section shall be made to each:

(1) authorized employee beneficiary who is retired or has a disability; or

(2) surviving spouse;

and may be made annually, semiannually, quarterly, or monthly.

(g) A cost of living payment granted under this section shall be funded by a direct appropriation or by maintaining a fully funded actuarially sound trust fund.

(h) A cost of living payment granted under this section is applicable only to the following:

(1) Employee beneficiaries who:

(A) are retired or have a disability; and

(B) are at least fifty-five (55) years of age.

(2) A surviving spouse.

(i) No provision of this section shall be made part of any ordinance or agreement concerning collective bargaining. No provision of this

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1 section shall be subject to bargaining under any statute, ordinance, or  
2 agreement.

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